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10 Countess, Milligan, and Estes
11

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **JUAN ANGEL MARTINEZ, JR.,**

16 Plaintiff,

17 v.

18 **JAMES E. TILTON, et al.,**

19 Defendants.
20

C 07-4684 CRB (PR)

**DECLARATION OF
KENNETH T. ROOST
IN SUPPORT OF
DEFENDANTS' MOTION
FOR EXTENSION OF TIME
TO FILE A DISPOSITIVE
MOTION**

21 I, Kenneth T. Roost, declare:

22 1. I am an attorney admitted to practice before the courts of the State of California and
23 before this Court. I am employed by the California Attorney General's Office as a Deputy
24 Attorney General in the Correctional Law Section, and am assigned to represent Defendants
25 Tilton, Scavetta, Horel, Silva, Vanderhoofven, McGuyer, Enos, Barneburg, Countess, Milligan,
26 and Estes (Defendants) in this case. I am competent to testify to the matters set forth in this
27 declaration, and if called upon by this Court, would do so.

28 2. On January 11, 2008, the Court ordered service on Defendants, and ordered that their

Decl. Roost Supp. Defs.' Mot. EOT File Dispositive Mot.

Martinez v. Tilton, et al.
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1 dispositive motion would be due in ninety days, on April 10, 2008. (Order of Service.)

2 3. In the last month, Defendants' counsel has filed summary-judgment motions in two
3 other cases, a motion to dismiss, and a motion for reconsideration and corresponding reply.
4 Counsel also prepared the legal argument opposing an order to show cause in a class-action case.

5 4. Because of this extra work, much of which was unforeseen, Defendants require
6 additional time to prepare their dispositive motion, and potentially multiple declarations in
7 support of the motion.

8 5. Defendants respectfully request a forty-day extension of time to file their dispositive
9 motion, so that it must be filed on or before May 20, 2008.

10 6. This request for an extension of time is not made for the purpose of harassment, undue
11 delay, or any improper reason. Defendants have made no other requests for an extension of time
12 in this case.

13 7. Plaintiff is confined in state prison and cannot easily be contacted concerning an
14 extension of time. Because Plaintiff is a prisoner, it is also difficult to deliver this motion for an
15 extension of time on the same day it is filed. Thus, Defendants are serving it by overnight mail.

16 I declare under penalty of perjury that the foregoing is true and correct and that this
17 declaration was executed on April 7, 2008, in San Francisco, California.

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19 _____
20 Kenneth T. Roost
21 Deputy Attorney General

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